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July 25, 2022

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020***
1:22-md-03028-PAE (lead case)

Dear Judge Engelmayer,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA making restricted appearances as owners and bareboat charterers, respectively, of the M/V ONE APUS. We write jointly on behalf of "Vessel Interests," which include our clients as well as Ocean Network Express Pte Ltd, Hapag-Lloyd AG, and Yang Ming Transport Corp.

Specifically, this letter is Vessel Interests' joint response to Your Honor's direction at paragraph VII (A) of Order No. 1; and, in light of Order No. 2, allowing these similarly situated parties to respond as a group. We also write on behalf of only our clients to provide a status on our ability to file restricted notices of appearance in these consolidated pretrial proceedings.

Response to Order No. 1 as to Direct Filing of Cases

On behalf of Vessel Interests, we will not object, based on improper venue, to the filing directly in the Southern District of New York of related cases that emanate from other districts and that would appropriately be included in this MDL, on the understanding that upon completion of all pretrial proceedings applicable to a case directly filed in this Court pursuant to this provision, this Court, pursuant to 28 U.S.C. § 1404(a), may transfer that case to a federal district court of proper venue, as defined in 28 U.S.C. § 1391, after considering the recommendations of the parties to that case.

Vessel Interests make this stipulation on the express condition that it is without prejudice to or waiver of any and all rights, remedies, limitations and defenses, including but not limited

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to, the enforcement of applicable foreign forum law/jurisdiction clauses contained in any bill of lading, sea waybill, tariff or otherwise as pertaining to any Vessel Interest, all of the aforesaid being fully reserved.

Restricted appearances for Chidori and Jessica

As to our filing restricted appearances, we are still verifying the various legal actions against the security that was provided to the majority of the plaintiffs and third-party plaintiffs in these related actions. Although we started the process last week, it is taking time to check the necessary information in each of the 65+ legal actions, which can include third-party claims. We are confident that we can have this sorted out this week.

Accordingly, we expect to file these notices in the appropriate actions well ahead of the next deadline for submissions to the Court on August 8, 2022.

We thank Your Honor for your consideration and understanding. If there are any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

**MONTGOMERY MCCracken
WALKER & RHOADS, LLP**

*Attorneys for Defendants
M/V ONE APUS,
Chidori Ship Holding LLC, and
Jessica Ship Holding SA*

/s/ Timothy Semenoro

Timothy Semenoro

Robert E. O'Connor

Alan Nakazawa (*pro hac vice* application to be filed)

CC by ECF to all counsel of record